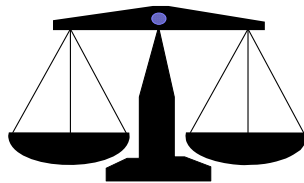


**A SUMMARY OF SELECTED BILLS
TRULY AGREED TO AND FINALLY PASSED**

**By The
95th General Assembly
Second Regular Session**



**Prepared By
Office of State Courts Administrator
July 2010**

TABLE OF CONTENTS

	<u>Page</u>
Senate Bills and House Bills Listed by Bill Number	i
Introduction	1
Bill Summaries	2

SENATE BILLS

<u>Bill Number</u>	<u>Title</u>	<u>Page</u>
SB 578	PORT IMPROVEMENT DISTRICT	2
SB 586	SEXUALLY ORIENTED BUSINESSES	2
SB 630	MANUFACTURED HOMES	3
SB 754	ENDOWED CARE TRUST FUNDS	3
SB 774	DEPARTMENT OF MENTAL HEALTH CRIME	3
SB 793	ABORTION.....	4
SB 795	ANIMAL AND AGRICULTURE CRIMES.....	4
SB 844	ETHICS	5
SB 884	TOBACCO REGULATIONS	5

HOUSE BILLS

<u>Bill Number</u>	<u>Title</u>	<u>Page</u>
HB 1472	CONTROLLED SUBSTANCES.....	7
HB 1540	INFRACTIONS	7
HB 1654	GARNISHMENTS AND WRITS OF SEQUESTRATION.....	8
HB 1692	REAL ESTATE, CHILD SUPPORT & MISCELLANEOUS	8
HB 1695	INTOXICATION-RELATED TRAFFIC OFFENSES	9
HB 2056	CHILD SUPPORT LIENS	10
HB 2058	MECHANIC'S LIENS AGAINST REAL PROPERTY	10
HB 2081	USE OF FORCE	11
HB 2198	MOTOR VEHICLE FRANCHISE PRACTICES ACT	11

INTRODUCTION

In the role of interpreting the statutes of Missouri, judges have a potential interest in almost any bill enacted. However, for this synopsis, certain bills have been selected which appear to have a direct impact on the workload or procedures of the courts, or which appear likely to come to the attention of the courts within a short time. Some bills, which may provide for specific types of cases which are expected to be of low volume and therefore not of general interest, have not been included in this summary.

The individual summaries cover the major points of the bills or those sections that affect the courts, but they do not address every issue in each bill and should not be read as a substitute for reading the bill in the context of the entire chapter in the statutes.

Because of the disparate provisions in many of the bills, they have not been arranged by subject matter, but in numerical order. A table of contents is provided at the front of this document.

All of the bills included have been signed into law by the Governor. Bills become effective August 28, 2010 unless otherwise indicated. We have indicated the date signed on those bills with an emergency clause.

A link to each bill has been provided in the document. For a copy of any bill, please direct your request to:

Senate Bill Room
State Capitol
Jefferson City, Missouri 65101

House Post Office
State Capitol
Jefferson City, Missouri 65101

Staff of the Office of State Courts Administrator are willing to assist you in obtaining further information about any of the legislation.

SENATE BILLS

SS SB 578 PORT IMPROVEMENT DISTRICT

This act establishes the Port Improvement District Act. Under the terms of the act, a port authority may establish a port improvement district within its boundaries for the purpose of funding qualified project costs. The port authority board must hold public hearings on whether to create a port improvement district. After the public hearing, the board may approve the petition to create a district by resolution. The port authority board must file a petition in circuit court requesting the creation of a port improvement district. Within 30 days of the circuit court's certification of the petition and establishment of the district, the board must file a copy of the board's resolution approving the petition, the certified petition, and the court's judgment certifying and establishing the district with the Missouri Highways and Transportation Commission.

CONTENTS OF PETITION TO CREATE A DISTRICT - The act sets forth what information the petition must contain in order to be certified by the circuit court. For example, the petition must set forth a legal description of the district, the district's name, the maximum rate and duration of any proposed real property or sales tax, and the estimated revenues projected to be generated from such taxes.

PUBLIC HEARING ON PROPOSED PETITION - The act establishes the notice requirements the port authority board must follow prior to submitting the petition to the circuit court. A public hearing must be held on the proposed projects, proposed real property or sales taxes, and the establishment of the district. The act requires notice to be provided by both publication and mailing.

CIRCUIT COURT HEARING PROCEDURE - The act establishes the procedure in which the circuit court must conduct a certification hearing. A copy of the petition must be served on all of the respondents (property owners, political subdivisions, etc.). The respondents will have 30 days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. The court will hear the case without a jury. The parties may appeal a circuit court's order in the same manner provided for other appeals.

NOTICE TO PUBLIC FOR CIRCUIT COURT HEARING - The act also establishes how the circuit clerk must provide notice to the public of the circuit court hearing. The statutory notice shall be published in a newspaper of general circulation once a week for four consecutive weeks. §68.025, 68.035, 68.040 & 68.070, RSMo

Summary provided by Senate Research

HCS SS SCS SBs 586 & 617 SEXUALLY ORIENTED BUSINESSES

No person shall establish a sexually oriented business within 1000 feet of a preexisting school, house of worship, state-licensed day care, public library, public park, residence, or other sexually oriented business. No person shall establish a sexually oriented business if a person with an influential interest in such business has been convicted of, or released from confinement, for certain crimes within the last eight years.

This act prohibits a person from knowingly appearing nude in a sexually oriented business. No employee of such a business shall knowingly appear in a semi-nude condition, unless he or she remains on a stage at least six feet from the patrons and at least eighteen inches from the floor in a room that is at least 600 square feet. Also, such employees appearing semi-nude shall not knowingly touch a patron or the clothing of a patron.

Sexually oriented businesses that do not meet the requirements on August 28, 2010, shall have 180 days to comply. During such period, any employee who appears semi-nude shall remain at least six feet from all patrons. No sexually oriented business shall be open between the hours of midnight and 6:00 a.m. and no person shall knowingly sell, use, or consume alcohol on the premises. No person shall knowingly allow a person under the age of eighteen on the premises.

In order to violate the provisions of this act, the person must have committed such acts knowingly or recklessly. An act of an employee shall be imputed to the business, only if an officer or manager knowingly or recklessly allows such act to occur on the premises. A violation of this act shall be deemed a misdemeanor punishable by a

fine not to exceed \$500 or imprisonment not to exceed 90 days. Any business repeatedly operated in violation of this act shall constitute a public nuisance and shall be subject to civil abatement proceedings. Chapter 578, RSMo

Summary provided by Senate Research

SCS SB 630 MANUFACTURED HOMES

Establishes procedures for converting manufactured homes into real property or from real property back to personal property. §137.115, 362.105, 365.020, 365.200, 369.229, 370.300, 400.9-303, 400.9-311, 408.015, 408.250, 441.005, 442.010, 513.010, 700.010, 700.100, 700.111, 700.320, 700.350, 700.360, 700.370, 700.375, 700.385, 700.525, 700.527, 700.529, 700.530, 700.531, 700.533, 700.535, 700.537, 700.539, and 700.630, RSMo

CCS #2 HCS SCS SB 754 ENDOWED CARE TRUST FUNDS

This act modifies provisions of law relating to cemeteries, the licensing of certain professions, death certificates, public assistance programs, and various other provisions.

Repeals the requirement that any court action to grant an injunction, restraining order, or other to bring suit against a cemetery operator upon application by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the operator resides. In addition, removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri Law and all funds held in trust to remain in Missouri. §193.145, 193.265, 195.080, 208.010, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 301.142, 334.735, 337.528, 338.100, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 344.010, and 344.020, RSMo

Summary provided by Senate Research

SCS SB 774 DEPARTMENT OF MENTAL HEALTH CRIME

This act creates the crime of endangering a Department of Mental Health employee, visitor or other person at a secured facility, or another person ordered to the department. A person ordered to the department as a sexually violent predator commits such act if he or she attempts to cause or knowingly causes any such individual to come into contact with blood, seminal fluid, urine, feces, or saliva. This crime is equivalent to the crime of endangerment by a criminal offender against a Department of Corrections employee, visitor, and other offender.

Such offense is a Class D felony unless the substance is unidentified, in which case it is a class A misdemeanor. If the person is knowingly infected with HIV, Hepatitis B or C and exposes another person to such disease, by committing this crime, it is a Class C felony.

Current law provides that interest shall be recovered on any and all sums due to any facility or program operated or funded by the Department of Mental Health on account of any patient or resident. This act provides that when the account is certified by the department director or his or her designee, rather than the head of the facility, such account shall be prima facie evidence of the amount due. §630.220, RSMo

Summary provided by Senate Research

SS SCS SB 793 ABORTION

Modifies the informed consent requirements for an abortion by adding new requirements to be obtained at least twenty-four hours prior to an abortion. Some of the new requirements include the physician who is to perform or induce the abortion or a qualified professional presenting to the pregnant woman various new printed materials to be developed by the Department of Health and Senior Services by November 30, 2010, detailing the risks of an abortion and the physiological characteristics of an unborn child at two-week gestational increments. The woman must also be provided with the gestational age of the unborn child at the time the abortion is to be performed and must be given an opportunity to view, at least 24 hours prior to an abortion, an active ultrasound of the unborn child and hear the heartbeat of the unborn child, if the heartbeat is audible. Prior to an abortion being performed past twenty-two weeks gestational age, the woman must be provided information regarding the possibility of the abortion causing pain to the unborn child.

In addition to the written informed consent, the act requires the physician or a qualified professional to discuss the medical assistance and counseling resources available, advise the woman of the father's liability for child support, and provide information about the Alternatives to Abortion Program. All information required to be provided to a woman shall be presented to her individually in the physical presence of the woman. The abortion cannot be performed until the woman certifies in writing on a checklist form that she has been presented all the required information and that she has been given the opportunity to view an ultrasound, and to choose to have an anesthetic or analgesic administered to the unborn child.

This act requires the physician or qualified professional to provide the woman with access to a telephone and information about rape crisis centers, domestic violence shelters, and obtaining orders of protection should the physician have reason to believe the woman is being coerced into having an abortion.

This act also amends the current informed consent provision, §188.039, RSMo, by providing that informed consent may be obtained by the physician who is to perform or induce the abortion or a qualified professional.

Notwithstanding any other provision in law allowing a person to provide services related to pregnancy, delivery and postpartum services, no person other than a licensed physician can perform or induce an abortion. Anyone violating the provision is guilty of a Class B felony.

This act also modifies health insurance provisions relating to abortion. Under current law, health insurance policies are barred from providing coverage for elective abortions except through optional riders. This act extends this prohibition to health insurance policies offered through any health insurance exchange established in this state or any federal health insurance exchange administered within this state. In addition, no health insurance exchange operating within this state may offer coverage for elective abortions through the purchase of an optional rider. §188.027, 188.039, and 376.805, RSMo

Summary provided by Senate Research

CCS HCS SB 795 ANIMAL AND AGRICULTURE CRIMES

This act makes it a crime to recklessly release swine upon any public land or private land not completely enclosed by a fence. A person will be guilty of a Class D felony if they commit a third offense of releasing swine within ten years of their first offense. It also makes possessing or transporting a live Russian or European wild boar or wild-caught swine on public land a Class A misdemeanor and also allows for the assessment of an administrative penalty of up to 1,000 dollars per violation.

In addition, this act creates the Large Carnivore Act. Except as permitted in the act, the act prohibits the owning, breeding, possession, transferring of ownership, or transporting of "large carnivores," defined as certain non-native cats of the Felidae family or any species of non-native bear held in captivity. Persons possessing, breeding, or transporting large carnivores on or after January 1, 2012, must apply for a permit for each such large carnivore from the Department of Agriculture. Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. As a condition of being permitted to own a large carnivore, the owner is required to show proof of having liability insurance in an amount of not less than \$250,000.

Individuals who intentionally release a large carnivore shall be guilty of a Class D felony. Other violations of this act shall be a Class A misdemeanor. The penalty for violating the act may also include community service, loss of privilege to own or possess an animal, and civil forfeiture of any large carnivore. §196.316, 266.355, 270.260, 270.400, 273.327, 273.329, 274.180, 281.260, 311.550, 319.306, 319.321, 393.1025, and 393.1030, RSMo

Summary provided by Senate Research

CCS#3 HCS#2 SB 844 ETHICS

This act modifies the law relating to ethics.

The Commissioner of the Office of Administration shall provide each Senator And Representative with a key that accesses the dome of the State Capitol.

A statewide elected official is guilty of the crime of bribery of a public servant if he or she makes offers or promises to confer paid employment to any other statewide elected official in exchange for the legislator's official vote. Those who agree to such an arrangement are guilty of the crime of acceding to corruption.

Nominees for gubernatorial appointments to a board or commission requiring Senate confirmation shall file a financial interest statement and shall request a list of political contributions from the Ethics Commission. The nominee shall deliver the information to the Senate pro tem prior to confirmation.

Lobbyists who knowingly omit, conceal, or falsify information in expenditure reports are guilty of a Class A misdemeanor. Lobbyists are required to report expenditures when all members of certain bodies (such as the Senate) are invited in writing. This act stipulates that those bodies may or may not include staff. Statewide officials are included.

With a unanimous vote of the Ethics Commission, the executive director may conduct an independent investigation of an ethics violation without a complaint if there are reasonable grounds to believe that a violation has occurred. The Commission shall notify the person under investigation and assign a special investigator. The investigations of the executive director are confidential and the revealing of such information shall be cause for removal or dismissal. Investigations failing to establish reasonable grounds to believe a violation has occurred shall be terminated. Currently, within 120 days of receipt of a complaint, the special investigator submits a report to the commission. This act changes that threshold to 90 days. Determinations that violations have occurred, other than referrals for criminal prosecution, may be appealed de novo to the Circuit Court of Cole County.

The late filing fee for filing campaign disclosure reports and statements of limited activity are increased from \$10 to \$50 per day not to exceed \$3,000. The executive director is allowed to send notice by other means than registered mail within seven days of failure to file. Lobbyists required to file expenditure reports, individuals required to file financial disclosure reports, and candidates and committees required to file disclosure statements may appeal late fee assessments in the same manner with the commission. The act allows the commission to collect unpaid fees through garnishment and other means. §105.456, 105.473, 105.485, 105.955, 105.957, 105.959, 105.961, 105.963, 105.966, 130.011, 130.021, 130.026, 130.028, 130.031, 130.041, 130.044, 130.046, 130.057, 130.071, and 226.033, RSMo

Summary provided by Senate Research

SS SCS SB 884 TOBACCO REGULATIONS

This act requires all tobacco manufacturers whose cigarettes are sold in Missouri to report and certify to the Department of Revenue and the Attorney General's office by April 30 of each year that they are in compliance with the Tobacco Settlement Model Statute currently in Missouri law. In addition to the certification, manufacturers must also provide a list of "brand families". Non-participating manufacturers must provide the number of units sold for each family for the preceding year, the name and address of any other manufacturer of their brand families in the preceding or current calendar year, and other information to verify compliance with the model statute in their certification. All manufacturers must update their lists thirty days prior to any addition to or modification of its brand families through a supplemental certification to the Director of the Department of Revenue.

The act provides that any cigarettes that have been deemed by a court of competent jurisdiction to have been sold, offered for sale, or possessed for sale in violation of the act will be deemed contraband and subject to seizure, forfeiture, and destruction. In any successful action brought by the state under the act, the state may be entitled to recover the costs of investigation and action including reasonable attorney fees. The amendment subjects determinations not to list, or to remove from, the directory a brand family or tobacco product manufacturer until reviewed by a court of competent jurisdiction. Various penalties and actions for failure to comply with the requirements of the act are included. The act contains an emergency clause. (Signed by the Governor 7-7-2010) Chapter 196, RSMo

Summary provided by Senate Research

HOUSE BILLS

HCS #2 HB 1472 CONTROLLED SUBSTANCES

This bill changes the laws regarding the designation of controlled substances. In its main provisions, the bill:

- (1) Adds the following to the list of controlled substances on Schedule I: (a) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of isomers; (b) Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol, commonly known as HU211; (c) Indole, or 1-butyl-3(1-naphthoyl)indole; (d) Indole, or 1-pentyl-3-(1-naphthoyl)indole, commonly known as K2; and (e) Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n-4,6, or 7;
- (2) Adds the following to the list of controlled substances on Schedule II: (a) Tapentadol; and (b) Any material, compound, mixture, or preparation which contains any quantity of amyl nitrite or butyl nitrate;
- (3) Adds the following to the list of controlled substances on Schedule III: (a) Boldione; (b) Dexoxymethyltestosterone; and (c) 19-nor-4,9(10)-androstadienedione;
- (4) Adds Fospropofol to the list of controlled substances on Schedule IV;
- (5) Adds the following to the list of controlled substances on Schedule V: (a) Lacosamide; and (b) Pregabalin; and
- (6) Specifies that any person who possesses a controlled substance of more than 35 grams of Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol; Indole, or 1-butyl-3(1-naphthoyl)indole; Indole, or 1-pentyl-3(1-naphthoyl)indole; and Phenol, CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-(2-methyloctan-2-yl)phenol, where side chain n=5, and homologues where side chain n-4,6, or 7 will be guilty of a Class C felony. Any person possessing 35 grams or less of any one of these substances will be guilty of a Class A misdemeanor. §195.017 and 195.202, RSMo

Copyright (c) Missouri House of Representatives

HCS HB 1540 INFRACTIONS

Increases the penalty for certain motor vehicle violations from an infraction to a Class C misdemeanor or from a Class C misdemeanor to a Class B misdemeanor when a violation causes an immediate threat of an accident. Any person operating a commercial vehicle in violation of §307.400, RSMo, will be guilty of a Class B misdemeanor instead of an infraction.

Beginning January 1, 2012, the bill requires the judicial procedure for an infraction to be the same as for a misdemeanor. If a defendant fails to appear in court solely for an infraction or for an infraction committed in the same course of conduct as a criminal offense or fails to respond to a notice of an infraction from the Central Violations Bureau, the court may issue a default judgment for court costs and fines for the infraction unless the court determines that good cause or excusable neglect exists for the defendant's failure to appear. A court may issue a warrant for failure to appear for any violation which is classified as an infraction.

The bill repeals and re-enacts provisions requiring a person to obey any signal or direction given by a law enforcement officer while traveling on a road when the officer is enforcing an infraction. A person who refuses to obey any signal or direction or who willfully resists a law enforcement officer who is in the course of enforcing an infraction will be guilty of a Class A misdemeanor.

The bill contains an emergency clause for the provisions regarding judicial procedures for infractions and obeying any signal or direction of a law enforcement officer while traveling on a road. §304.015, 307.010, 307.090, 307.120, 307.155, 307.172, 307.173, 307.195, 307.390, 307.400, and 556.021, RSMo

HB 1654 GARNISHMENTS AND WRITS OF SEQUESTRATION

Requires a notice of garnishment and a writ of sequestration to contain only the last four digits of a person's Social Security number instead of the full number.

SS SCS HCS#2 HB 1692, 1209, 1405, 1499, 1539 & 1811 REAL ESTATE, CHILD SUPPORT, & MISCELLANEOUS

Changes the laws regarding real estate; electronic death registrations; cemeteries; architects, engineers, land surveyors, and landscape architects; mechanic's liens; and child support and establishes the Property Assessment Clean Energy Act and the Missouri Appraisal Management Company Registration and Regulation Act. In its main provisions, the bill:

- (1) Requires the court or jury to visit the property alleged to be affected by a nuisance in an action for private nuisance where the amount in controversy exceeds \$1 million whenever any party requests a visit be made;
- (2) Repeals the requirement that any court action to grant an injunction, restraining order, or other order to bring suit against a cemetery operator upon application by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration must be commenced in the county in which the illegal action occurred or in the county in which the operator resides;
- (3) Removes the provisions requiring a financial institution serving as the trustee of an endowed care trust to be located in Missouri but requires all activities of the trust to be controlled by Missouri law and all funds held in trust to remain in Missouri;
- (4) Procedures are established for asserting a mechanic's lien against residential real property other than a mechanic's lien for the repair, remodeling, or addition to owner-occupied residential property of four units or less;
- (5) Requires a hearing officer, when making a determination of the amount of a parent's financial responsibility, to consider the factors in §452.340, RSMo. Currently, the officer must use the scale and formula for minimum support obligations established by the Department of Social Services under §454.480, RSMo;
- (6) Requires a notice issued by an agency entitled to receive and disburse child support payments in Missouri to advise the obligor of the procedures available to contest a lien on the obligor's workers' compensation benefits on the grounds that the lien is improper due to a mistake of fact by requesting a hearing within 30 days of the mailing date of the notice. The certified copy of the court order and the sworn or certified statement of arrearages will constitute prima facie evidence that the order of the Director of the Family Support Division within the department is valid and enforceable. If a prima facie case is established, the obligor can only assert mistake of fact as a defense. The obligor will have the burden of proof on these issues;
- (7) Specifies that a current support obligation must not be recorded in the automated child support system when the obligation of a parent to make child support payments is deemed terminated under §452.340, RSMo;
- (8) Requires any pleading, other than the interlocutory or final judgment or any modification thereof, in a dissolution of marriage, legal separation, or modification proceeding filed before August 28, 2009, to be subject to inspection only by the parties, an attorney of record, the Family Support Division within the Department of Social Services when services are being provided under §454.400, RSMo the Attorney General or his or her designee, a person or his or her designee licensed and acting under Chapter 381 who must keep any information obtained confidential except as necessary to the performance of functions required under the chapter, or upon order of the court for good cause shown. Persons authorized to inspect these documents are allowed to receive or make copies of the documents without requiring the clerk to redact the Social Security number unless specifically ordered to do so by the court. Upon a request, the clerk must redact the Social Security number from any copy of a judgment or satisfaction of judgment before releasing the information to the public. A pleading or filing that is more than 72 years old may be made available to any person;

(9) Specifies that a person commits the crime of unlawful use of weapons if he or she knowingly has a firearm or projectile weapon readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses the firearm or projectile weapon in a negligent or unlawful manner or discharges the firearm or projectile weapon unless acting in self-defense. All prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys who have completed the firearms safety training course required under §571.111, RSMo are exempt from the general prohibition on carrying concealed firearms and from certain other restrictions; and

(10) Allows any county to use certain court fees collected pursuant to §488.426, RSMo for courtroom renovation and technology enhancement or for debt service on county bonds for the renovation or enhancement projects. Currently, the counties of Clay, Greene, Jackson, Platte, and St. Louis and the City of St. Louis are not allowed to use the fees for these purposes. §193.145, 193.265, 208.010, 214.160, 214.270, 214.276, 214.277, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550, 288.034, 327.031, 327.041, 327.272, 327.351, 327.411, 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.503, 339.710, 452.340, 452.430, 454.475, 454.517, 454.557, 454.1003, 488.429, 537.296, 563.011, 563.031, 571.030, 571.070, 571.104, and 571.107, RSMo

Copyright (c) Missouri House of Representatives

SS SCS HCS HB 1695, 1742 & 1674 INTOXICATED-RELATED TRAFFIC OFFENSES

This bill changes the laws regarding intoxication-related traffic offenses. In its main provisions, the bill:

(1) Specifies that a DWI docket or court may grant limited driving privileges to a participant or graduate of the program who would otherwise be ineligible for the privilege. However, the DWI docket or court cannot grant a limited driving privilege to a person during his or her initial 45 days of participation;

(2) Removes the provision specifying that no chemical test will be given to a person with a commercial driver's license who refuses to submit to a chemical test at the request of a law enforcement officer;

(3) Allows any circuit court or the county municipal court of Jackson County to establish a DWI docket or court to provide an alternative for the disposition of a driving while intoxicated or driving with excessive blood alcohol content (BAC) case when the person operating a motor vehicle has a BAC of at least .15, the person has previously pled guilty to or has been found guilty of one or more intoxication-related traffic offenses, or the person has two or more previous alcohol-related enforcement contacts. The court may assess any and all necessary costs for participation in a DWI court against the participant; and all moneys received by the court will not be considered court costs, charges, or fines. A DWI docket or court may operate in conjunction with a drug court, and a drug court commissioner may preside over a DWI court or any other treatment or problem-solving court;

(4) Specifies that any offense involving the operation of a motor vehicle in an intoxicated condition will not be cognizable in municipal court if the defendant has been convicted of, found guilty of, or pled guilty to two or more previous intoxication-related traffic offenses or has had two or more previous alcohol-related enforcement contacts;

(5) Specifies that an application or execution of a search warrant cannot be deemed invalid solely because it relies upon electronic signatures of the peace officer or prosecutor seeking the warrant or the judge issuing the warrant;

(6) Requires each law enforcement agency, county prosecuting attorney, and municipal prosecutor to adopt a policy to report the arrest and charge information for all intoxication-related traffic offenses to the State Highway Patrol's central repository and to certify the adoption of the policy when applying for any grants administered by the Department of Public Safety. Beginning January 1, 2011, the patrol must maintain regular accountability reports of intoxication-related traffic offense arrests, charges, and dispositions based on the data submitted;

(7) Requires each municipal judge to receive adequate instruction on the state laws regarding intoxication-related traffic offenses including jurisdictional issues related to those offenses, reporting requirements to the central repository, and the required assessment for offenders under the Substance Abuse Traffic Offender Program (SATOP), and requires each municipal judge to adopt a written policy requiring court personnel to timely report

the dispositions of all charges for intoxication-related traffic offenses to the central repository and to provide a copy of the policy to the Office of State Courts Administrator and the patrol. Each municipal division of every circuit court must prepare a report every six months that includes the total number and disposition of every intoxication-related traffic offense adjudicated, dismissed, or pending in its division and to submit the report to the circuit court en banc for its review and to make recommendations or take any appropriate action;

(8) Specifies that no person who operated a motor vehicle with a BAC of .15 or more will be granted a suspended imposition of sentence unless he or she participates and successfully completes the requirements of a DWI court or docket or other court-ordered treatment program. If a suspended imposition of sentence is not granted for a first offense, a person who operated a motor vehicle with a BAC of between .15 and .20 must be imprisoned for at least 48 hours and a person who operated a motor vehicle with a BAC of greater than .20 must be imprisoned for at least five days;

(9) Changes the minimum imprisonment from five days to 10 days for a prior offender and from 10 days to 30 days for a persistent offender to be eligible for parole or probation, unless as a condition, the person performs a specified amount of community service or participates in and successfully completes a program established under §478.007 or other court-ordered treatment program. A court is to include evidence received by a search of the central repository, Driving While Intoxicated Tracking System (DWITS), or the certified driving record maintained by the Department of Revenue for prior intoxication-related traffic offenses;

(10) Removes the provision requiring an intoxication-related traffic offense arrest without a warrant to occur within 90 minutes of the alleged violation;

(11) Removes the provision specifying that no test will be given to a person arrested or stopped for an alleged DWI offense who refuses to submit to a chemical test at the request of a law enforcement officer; and

(12) Specifies that after 10 years, upon application by an individual, a court must enter an order of expungement if it determines that the person with a first alcohol-related driving offense has not been convicted of any subsequent alcohol-related driving offense, has no other subsequent alcohol-related enforcement contact, and has no other alcohol-related driving charge or enforcement action pending at the time of the hearing on the application. This provision will not apply to a person who has been convicted of driving a commercial motor vehicle while under the influence of alcohol. §302.309, 302.750, 478.001, 478.003, 478.009, 479.170, 542.276, 577.010, 577.012, 577.023, 577.039, 577.041, and 577.054, RSMo

Copyright (c) Missouri House of Representatives

HB 2056 CHILD SUPPORT LIENS

This bill requires a lien on real estate that is obtained based on a judgment or order for unpaid child support or maintenance to state only the last four digits of the obligor's Social Security number instead of the full number. §454.515, RSMo

Copyright (c) Missouri House of Representatives

SS SCS HCS HB 2058 MECHANIC'S LIENS AGAINST REAL PROPERTY

This bill establishes procedures for asserting a mechanic's lien against residential real property other than a mechanic's lien for the repair, remodeling, or addition to owner-occupied residential property of four units or less. Chapter 429, RSMo

Copyright (c) Missouri House of Representatives

HCS HB 2081 USE OF FORCE

Specifies that a pregnant woman may use deadly force upon another person if she reasonably believes that deadly force is necessary to protect her unborn child against death, serious physical injury, or any forcible felony. §563.031, RSMo

Copyright (c) Missouri House of Representatives

SS SCS HCS HB 2198 MOTOR VEHICLE FRANCHISE PRACTICES ACT

This bill changes the laws regarding courts and court procedures. In its main provisions, the bill:

(1) Increases the distance requirements of a relevant market area when locating or relocating a dealership. A franchisor must give written notice to a franchisee of the opening of any new dealership or the reopening of a previously existing franchise in the relevant market area selling vehicles of the same line-make. A franchisee may bring an action before the Administrative Hearing Commission within 30 days of the notice to determine if there is good cause to allow the competition. The bill revises the circumstances that the commission will take into consideration when determining good cause; and

(2) Specifies that a person has the right to appeal a judgment of the Administrative Hearing Commission in court and allows actual damages, court costs, and punitive damages to be recovered for a violation of the provisions of the act. Mediation is non-binding, and Missouri law will govern all disputes brought pursuant to the act. §407.810, 407.815, 407.817, 407.822, 407.825, 407.828, and 407.835, RSMo

Copyright (c) Missouri House of Representatives